

NOTE:

The attached pages are corrected pages and should be substituted for the corresponding pages in the record.

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pres. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2102	3300-A		Excerpt from "Lost Politics - Memoirs of Prince KONOYE"		30093
2104	3300-B		Ditto		30095
2103	3300-C		Ditto		30097
2471	3301		Affidavit of YAMAWAKI, Masataka (omitting par.7)		30101
1005(21)		3302	Secret Telegram dated 21 April 1939		30114
3171-B		3303	Excerpt from the 6 January 1939 issue of Chugai Shiyogyo Shimpō "Execution of Seven Items - HIRANUMA Requested by the Army"		30120
625		3304	"Army Records of the China Incident, 1939," Volume 7		30126
1979	3305		Affidavit of OKADA, Yoshimasa		30149

6 OCTOBER 1947

I N D E X

Of

EXHIBITS

(cont'd)

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I N D E X
of
WITNESSES
(cont'd)

Defense' Witnesses

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OGAWA, Yataro

30544

Direct by Mr. Levin

30544

(Witness excused)

30546

ISHIWATA, Sotaro (recalled)

30547

Direct by Mr. Levin

30547

(Witness excused)

30549

1 because we have no other way of presenting it other
2 than by way of the one living witness who has seen
3 that letter.

4 THE PRESIDENT: The name "HATA" appears on
5 your proof of documents.

6 MR. LAZARUS: Before I was going to go any
7 further, Mr. President, I was going to tell you that
8 I am not sure whether General HATA will, on the advice
9 of counsel, take the stand. We have not prepared
10 an affidavit. If he does take the stand it will be
11 only for examination by the prosecution or by the
12 Tribunal. There will be no affidavit.

13 THE PRESIDENT: That rule was laid down and
14 was followed after much consideration by the Members
15 of the Tribunal in conference, and no departure is
16 likely.

17 MR. LAZARUS: In view of the special circum-
18 stances of this case and the all-important character
19 of this letter, I respectfully submit to the Tribunal
20 that it ought to reconsider that rule just for this
21 one incident, Mr. President. I feel that it is so
22 important that perhaps I would not be considered
23 impudent if I ask the Tribunal to consider this one
24 case in and of itself.

25 THE PRESIDENT: We have no favorites among

1 Destiny of China," written by Chiang Kai-shek.

2 In this document, Chiang Kai-shek clearly
3 states that China had resolved to make wholesale
4 resistance against Japan after the outbreak of the
5 Lukouchiao affair, and that she drove Japan into an
6 endless war by colluding with the communist army, and
7 by exercising complete restraint upon Japan strategically
8 and politically, thus bringing Japan's efforts for
9 peace to naught.

10 This document vividly shows who is responsible
11 for the China Incident and it will make clear the reason
12 why the efforts of ITAGAKI and others were doomed to
13 failure.

14 THE PRESIDENT: Judge Hsiang.

15 JUDGE HSIANG: Your Honor, in connection with
16 this document and the next two or three defense documents
17 listed on the revised order of proof, Judge Yu Kwei
18 will act for the prosecution. Judge Kwei is a member
19 of the Shanghai Bar Association, and a former judge
20 of the Shanghai High Court.

21 THE PRESIDENT: Judge Kwei.

22 JUDGE KWEI: May it please the Tribunal, the
23 prosecution objects to the introduction of this docu-
24 ment for the following reasons:

25 In the first place, the book in question was
 originally written in Chinese; it was not written in

1 "Mr. Pestalozzi: Don't worry yourself for you
2 will have them by Christmas, I suppose.

3 "Captain Faucet: Thank you."

4 Next I offer in evidence defense document 2640.
5 This is a report of investigation on Prisoner of War
6 Camps in Korea by the representatives of the Red Cross
7 in the year 1944.

8 THE PRESIDENT: Admitted on the usual terms.

9 THE CLERK OF THE COURT: Defense document
10 2640 will receive exhibit No. 3310.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 3310 and received in evidence.)

14 MR. SASAGAWA: I now read exhibit No. 3310.

15 THE PRESIDENT: Not all of it, surely?

16 MR. SASAGAWA: Yes, your Honor. The point is
17 very difficult to take off which portion not to read.

18 THE PRESIDENT: According to the document,
19 the report was made four years before the visits it
20 records, and in the other documents, particularly
21 3308, there is some peculiar statement about temperature
22 and the area of buildings.

23 They require some revision. They may be
24 capable of explanation, but explanation about the date,
25 of course, is difficult to give.

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21 3308, there is some peculiar statement about temperature
22 and the area of buildings.

23 They require some revision. They may be
24 capable of explanation, but explanation about the date,
25 of course, is difficult to give.

1 Q You still haven't answered my questions.
2 Now let me ask you another one.

3 THE PRESIDENT: Judge Nyi, there are very
4 many important matters about which this witness may
5 be cross-examined, but there is a limited amount of
6 time to be given to each. You have been a very long
7 time on this issue. There is an immense amount of
8 evidence on the prosecution side about the Mukden
9 issue. Do you want to add to it extensively?

10 JUDGE NYI: If your Honor please, I want to
11 get a direction from the Tribunal if this is consid-
12 ered by the Court to be cumulative.

13 THE PRESIDENT: The amount of time that you
14 are spending on this is not warranted by the results
15 you are getting.

16 JUDGE NYI: We would ask if the Court is
17 interested to hear further evidence about this Muk-
18 den Incident, if the Court does not think it is
19 cumulative.

20 THE PRESIDENT: You are avoiding what I am
21 putting to you. I am telling you, in effect, you
22 are spending a lot of time in trying to get something,
23 but you are getting nothing. It is our duty under
24 the Charter not to waste time on details, and you
25 are not even getting details.

1 MR. LEVIN: We offer in evidence defense
2 document No. 2611, the evidence of the witness
3 ISHIWATA, Sotaro.

4 THE PRESIDENT: What has happened to 1416?

5 MR. LEVIN: Oh, that was withdrawn,
6 Mr. President.

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8 S O T A R O I S H I W A T A, recalled as a
9 witness on behalf of the defense, having been
10 previously sworn, testified through Japanese
11 interpreters as follows:

12 THE PRESIDENT: You are still on your
13 former oath.

14 MR. LEVIN: Will Captain Van Meter kindly
15 hand the witness defense document No. 2611?

16 DIRECT EXAMINATION

17 BY MR. LEVIN:

18 Q Does your signature and seal appear on this
19 document?

20 A Yes.

21 Q Are the contents of same true and correct?

22 A Yes, true and correct.

23 MR. LEVIN: I now offer in evidence defense
24 document No. 2611, the affidavit of the witness
25 ISHIWATA, Sotaro.

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 CLERK OF THE COURT: Defense document
4 No. 2611 will receive exhibit No. 3321.

5 (Whereupon, the document above
6 referred to was marked defense exhibit
7 No. 3321 and received in evidence.)

8 MR. LEVIN: I read defense document No. 2611,
9 exhibit 3321, omitting formal parts:

10 "I, ISHIWATA, Sotaro, served as Vice-
11 Minister of Finance during the period KAYA, Okinori
12 was Minister of Finance in the First KONOYE Cabinet
13 from June, 1937 to May, 1938. During this period,
14 I did not hear or read about any Five-Year Plan for
15 essential industries or any Five-Year Plan for
16 Ammunition Industry said to have been made by the
17 War Ministry. Needless to say, the Ministry of
18 Finance did not make any reference nor take into
19 consideration any such plans or parts thereof.

20 "On this 19th day of September, 1947.

21 "At Tokyo."

22 THE PRESIDENT: Is there any cross-examina-
23 tion?

24 MR. WILEY: May it please the Tribunal, in
25 regard to this matter, we refer the Tribunal to

1 exhibit No. 2227, page 15891 of the transcript,
2 and exhibits 841 and 842, pages of the transcript,
3 8261-8264.

4 There will be no cross-examination.

5 MR. LEVIN: May the witness be excused
6 on the usual terms?

7 THE PRESIDENT: He is excused accordingly.

8 (Whereupon, the witness was excused.)

9 THE PRESIDENT: We will adjourn now until
10 half-past nine on Monday morning.

11 (Whereupon, at 1600, an adjournment
12 was taken until Monday, 13 October 1947, at
13 0930.)

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